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U.S. District Court

Eastern District of Michigan

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Case Name: United States v. DTE Energy et al
Case Number: 2:10-cv-13101-BAF-RSW
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Docket Text:

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-and-

SIERRA CLUB,

Plaintiff-Intervenor,

-v-

Case Number: 10-13101

DTE ENERGY COMPANY, and
DETROIT EDISON COMPANY,

Defendants,

_____ /

TELEPHONIC CONFERENCE
BEFORE THE HONORABLE BERNARD A. FRIEDMAN
UNITED STATES DISTRICT JUDGE
100 U. S. Courthouse & Federal Building
231 West Lafayette Boulevard West
Detroit, Michigan 48226
TUESDAY, MAY 13TH, 2014

APPEARANCES:

For the Plaintiff:	Thomas A. Benson, Esq. Kristin M. Furrie, Esq.
For Plaintiff-Intervenor:	Mary M. Whittle, Esq. Nicholas J. Schroeck, Esq.
For the Defendants:	F. William Brownell, Esq.

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Transcript produced by computer-assisted transcription.

TELEPHONIC CONFERENCE
TUESDAY, MAY 13TH, 2014

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1 Detroit, Michigan

2 May 13th, 2014

3 -- -- --

4 THE COURT: Hello.

5 How is everybody today?

6 Tell me who's here for the United States.

7 MR. BENSON: Hi, your Honor.

8 For the United States it's Tom Benson and Kristin
9 Furrie.

10 THE COURT: Okay. And Sierra Club?

11 Not here. That's fine. No problem.

12 MS. WHITTLE: Your Honor, Sierra Club is
13 represented by Mary Whittle and local counsel Nicholas
14 Schroeck is also on the phone.

15 THE COURT: Oh, okay, you're there. I appreciate
16 it. Thanks.

17 Today was kind of a status conference, I thought.
18 We have a couple of things that are outstanding.

19 Number one, it's my understanding that nobody has
20 any objection to the certification of the motion; is that
21 everybody's understanding -- of the issues so that it can
22 go to the Court of Appeals on one issue? Everybody agrees
23 on that, I think.

24 MR. BROWNELL: That's correct, your Honor, for DTE
25 Energy --

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TELEPHONIC CONFERENCE
TUESDAY, MAY 13TH, 2014

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1 THE COURT: Anybody oppose to it?

2 We hear no opposition. Oh, good.

3 So why doesn't someone prepare an order to that
4 effect, and I would suspect -- oh, we'll do it?

5 THE CLERK: You issued that this morning.

6 THE COURT: Oh, we already issue it. I signed it.
7 So we're all set on that one. I forgot the file.

8 The other issue that we have is the motion for --

9 THE CLERK: Motion for reconsideration of DTE and
10 Sierra responding to it.

11 THE COURT: So where do we stand on that one?

12 This is Dan, one of my clerks talking.

13 THE CLERK: The issue there was whether Sierra
14 Club should be allowed to amend their complaint and add
15 that extra claim.

16 THE COURT: Okay.

17 MR. BROWNELL: Judge Friedman, this is Bill
18 Brownell --

19 THE COURT: Go on, Bill.

20 MR. BROWNELL: DTE consented with respect to four
21 of the claims, but the fifth claim was one that was not
22 brought by the Government. In the motion we simply wanted
23 to note that, that was opposed, it wasn't unopposed.

24 THE COURT: You oppose it. I'm coming back to
25 that. I'm in a middle of another case.

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1 I'm not going to allow Sierra to add anything
2 that was not originally in the structure of the original
3 complaint.

4 There's one more thing that we had outstanding
5 and that was --

6 THE CLERK: That was the extension of time to
7 respond --

8 THE COURT: Oh, no nobody objects to the extension
9 of time?

10 MR. BROWNELL: DTE's motion to extend the time to
11 respond to the amended complaint.

12 THE COURT: Right, and nobody's objected so you
13 may have that time.

14 Okay. Is there anything else that we should be
15 talking about today that we haven't, or anything?

16 You know, we'll have to wait and see what the
17 Court of Appeals does. So we'll stay everything else until
18 we see what they're going to do.

19 MS. WHITTLE: Your Honor, this is Sierra Club, I
20 just wanted to mention that the additional claim we believe
21 was within -- it continues to be within the same realm of
22 all the other claims. The Government isn't bringing it, we
23 are bringing it independently of the Government.

24 THE COURT: Okay.

25 MS. WHITTLE: It's all the same type of claim.

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TELEPHONIC CONFERENCE
TUESDAY, MAY 13TH, 2014

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CERTIFICATE

I, JOAN L. MORGAN, Official Court Reporter for the
United States District Court for the Eastern District of
Michigan, appointed pursuant to the provisions of Title 28,
United States Code, Section 753, do hereby certify that the
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number cause of the date hereinbefore set forth, and I do
hereby certify that the foregoing transcript has been
prepared by me or under my direction.

S:/ JOAN L. MORGAN, CSR
Official Court Reporter
Detroit, Michigan 48226

October 20th, 2014

JOAN L. MORGAN, OFFICIAL COURT REPORTER

TELEPHONIC CONFERENCE
TUESDAY, MAY 13TH, 2014

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